Development (194 /) Department.

17 SERIES.

G.O. No. 812

Dated 29th April 1941

[Despatch Abstract.]

DEBT CONCILIATION BOARDS - Hospet - Vasupalappa Sri I - Cancellation of appointment - appointment of substitute.

C.F. 31—12,006—28-11-39

REVENUE **DEPARTMENT.**

CURRENT No.

Received 1941. *Registered* 11192 E/40 19 41.

Subject.

DEBT CONCILIATION BOARD - Hospet - Member - Sri. I. Vasùpalappa - convicted - substitute - Appointment - Proposals - submitted.

Reference No.S. 2507/41-1

Station Madras, *Dated the* 18th April 19 41.

From S.Y. Krishnaswami Esquire, I.C.S.,

Joint Secretary,

Board of Revenue. Madras.

—

G.W. Priestley Esquire, I.C.S.,
Commissioner of Land Revenue and Irrigation.

Read - the following: -

Letter from A.D. Crombie Esquire, C.I.E., I.C.S., Collector, Bellary, No. Ref.C. 1313/41-G-1, dated 4-4-41.

Debt Conciliation Board - Hospet - Merulur Sri. I. Vasupalappa - Satyagrahi -Convicted - Nomination of a new member - Proposed.

E. Ref: - G.O.No. 110 Development Department dated 12th January 1939.

Sri. I. Vasupalappa, a member of the Debt Conciliation Board, Hospet was tried before the Joint Magistrate, Hospet on 27-2-'41, under Defence of India Rules (for offering Satyagraha) convicted and sentenced to undergo simple imprisonment for two months and to a fine of Rs.800/-.

E C 13 Jan 42 2/ According to Section 28 of the Madras Act XI of 1936, the members

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members of the Board shall be deemed to be Public Servants within the meaning of the Indian Penal Code and are bound by Government Servants Conduct Rules No. 21 read with subsidiary Rule 1. Sri. I. Vasupalappa therefore cannot be allowed to continue as a member of the Board and he may be removed.

3| In his place, I propose, Sri.T. Srinivasachari, Retired Tahsildar, Harpanahalli to be member of the Debt Conciliation Board, Hospet. His letter of consent is enclosed.

REFERENCE:-

Submitted to the Government.

2. According to section 28 of the Madras Debt Conciliation Act,1936, members of Debt Conciliation Boards shall be deemed to be public servants only for a limited purpose (i-e-, within the meaning of the Indian Penal Code). The Board does not, therefore, agree with the view expressed by the Collector that because of the above provision in the D. C. Act, the rules governing the conduct of regular Government Servants should also apply to the members of Debt Conciliation Boards. Attention is in this connection invited to the Board's reference No. S.1611/41-1 dated 20-3-41, in which it has solicited instructions on the question whether a member of a Debt Conciliation Board who has been convicted under the defence of India Rules can be allowed to continue on the Board.

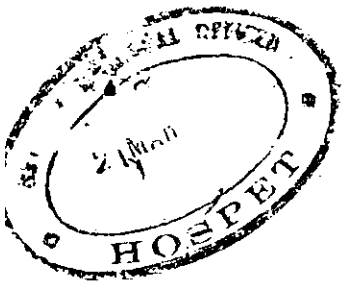
3. In view, however, of the fact that in the present case, there is no assurance as to the future conduct of the member after his release, and as another suitable gentleman is also available to take up his post, the Board recommends that in the interests of the efficient working of the Debt Conciliation Board, the existing incumbent may be removed from membership and that Sri. T.Srinivasachari, retired Tahsildar, Harpanahalli may be appointed as member in his place as proposed by the Collector.

N. Ayyaswami
18/4/41
For Joint Secretary.

To
The Secretary to the Government, Development Department,
with enclosure.

P.T.S.,
18/4

18/4



From

Sri T. Srinivasa Acharya
Retired Tahsildar, Harpanahalli

To

The Chairman Debt Conciliation Board,
Hospet

Sir,

Your reference dated 15.3.41.

I am willing to serve as a member of the Debt Conciliation Board at Hospet in place of S. D. Vasupalappa

Harpanahalli
19.3.41

Srinivasacharya
Retired Tahsildar
19.3.41

Development Department.

Subject .- Debt Conciliation Board, Hospet - cancellation of appointment of member - appointment of member.

C.No.11192 E/41. From the Board of Revenue, Ref. No.S.2507/41-1,d. 18-4-41.

To D.S.

In ~~its reference~~ the paper in the c.f. the Collector of Bellary has proposed and the Board has recommended the appointment of Sri T.Srinivasachari, retired Tahsildar, Harpanahalli, as a member of the D.C. Board, Hospet vice. Sri I.Vasupalappa, who has been convicted under the Defence of India Rules. For orders whether the Board's recommendation will be accepted. Subject to orders a draft order is submitted for approval.

2. In his letter to the Board the Collector stated that in view of section 28 of the D.C.Act the members of the Board shall be deemed to be public servants and were bound by subsidiary rule 1 to rule 21 of the G.S.C. Rules and should be removed from membership on conviction. The Board has not agreed with the Collector as the members of the Board are deemed to be public servants only for a limited purpose. Reference is solicted to the Board's referenc at pp.1-3 and the notes at pp.14-15 of G.O.No.738 Dev. dated 16-4-41. A-2 ordered that the question of removal of members who were convicted under the Defence of India rules should have been taken up by Collectors concerned as soon as the individuals were convicted. These orders were issued on 17-4-41 and the Board's present reference is dated 18-4-41. For orders whether the attention of the Board may be drawn to the orders in the G.O. Subject to orders, a ~~sentence~~ para. has been added to the draft to this effect.

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(Notes on p. 1)

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But the Chairs of the Boards have missed the point. A "Port-servant" is defined in Rule 2(1) as "any person in the Civil Service of the Crown". While a Port servant is necessarily a public servant the converse is not always true. Persons holding honorary appointments, say in a fiduciary capacity may be "public servants" but they are not certainly "Port servants". The Port servants' Conduct Rules are inapplicable to the members of the Dock Boards. So far as this case is concerned, the point raised is purely academic. P. 25/4

C. 26.4.41.
R. 28 April 1941

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P. 28/4

P. 7.11

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DRAFT FOR APPROVAL.

C.F. 17.

Dev Dept

	Date.	Initials.
When received for fair copying.	28/29.4	
When copied ...		
When examined...		
When signed ...		
When despatched.		

SUBJECT :—

Debt Conciliation Boards.

Hospet - Vasupalappa Sri I - cancellation of appointment - appointment of substitute -

READ AGIAN G.O.No.110 Dev., dated 12-1-39 (E) 19.....

" " ..... " ..... 19.....

READ *ALSO* :—

No.11192 E/41-1 From the Boardof Revenue, Ref. No. S.2507/41-1, dated 18-4-1941. cf

" ..... " ..... " ..... " ..... 19.....

" ..... " ..... " ..... " ..... 19.....

Order ~~Resolution~~ Ms. No. 812, dated 29.4.1941.

The Collector of ~~xxxxxxx~~ Bellary has proposed and the Board of Revenue has recommended that the appointment of Sri I. Vasupalappa as a member of the Debt Conciliation Board, Hospet, may be cancelled in ~~his~~ view of his conviction under the rule, Defence of India ~~Act~~ and that Sri T. Srinivasachari, retired Tahildar, Harpanahalle, may be appointed to the D.C. Board. The Government accept the recommendation.

2. With ref:. to para.2 of the proceedings of the Board of Revenue quoted above its attention is invited to the orders in para.2 of G.O.No.738 Dev. d. 16-4-

2. The following notification will be published in the Fort St. George Gazette:-

Notification.

In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Madras Debt Conciliation Act, 1936 (Madras Act XI of 1936) H.E. the Governor of Madras hereby cancels the appointment of Sri I. Vasupalappa as a member of the D.C.Board, Hospet and is pleased to appoint Sri T.Srinivasachari, retired tahsildar, Harpanahalle, as a member of the said board with effect from the date on which he takes over charge till the ~~5th~~ 19th Jan. ~~Dec~~. 1942.

To the Board of Revenue.
,, Collector of Bellary.
,, A.G. Madras
,, Chairman, D.C. Board, Hospet.
Sri I.Vasupalappa, Harpanahalle, Hospet Dn. through the Collr. of Bellary.
Sri T.Srinivasachari, retired tahsildar, Harpanahalle.
S.G.P. (para 2 only, for publication in the F.S.Gazette)